UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,321	01/04/2002	Orell Dror	ORELL2	2018

1444 7590 04/13/2006		

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EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
Office Action Summary	10/035,321	DROR ET AL.
	Examiner	Art Unit	
	Greg Bengzon	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-32 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2006 has been entered.

Priority

The effective date of the subject matter in the claims in this application is January 4, 2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 8-9, 11-13, 18-19, 22-24, 29-30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (US Publication 2002/0059458).

Deshpande disclosed (re. Claim 1,11,22)   receiving a request from a client to a server via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream a media file of a given type; (Paragraph 37) passing the request to a servlet running in conjunction with the server; (Paragraph 44); parsing the request using the servlet to identify elements of the media file to be transferred to the client (Paragraph 44) and streaming the identified elements from the server to the client as a HTTP response.(Paragraph 58)

Deshpande disclosed (re. Claim 2,12,23) wherein parsing the request comprises determining a processing action to be applied to the elements of the media file, (Paragraph 41) and wherein streaming the identified elements comprises applying the processing action to the elements.

Deshpande disclosed (re. Claim 3,13,24) wherein parsing the request comprises determining a parameter applicable to the processing action (Paragraph 41), and wherein applying the processing action comprises processing the elements of the media file responsive to the parameter.

Deshpande disclosed (re. Claim 8,18,29) wherein receiving the request

comprises receiving a request for a certain portion of the media file, (Paragraph 58) and

wherein parsing the request comprises selecting the elements of the media file to be

transferred responsive to the request. (Paragraph 44)

Deshpande disclosed (re. Claim 9,19,30) wherein the elements of the media file

comprise an ordered sequence of frames, and wherein selecting the elements

comprises selecting a segment within the sequence. (Paragraph 89)

Deshpande disclosed (re. Claim 32) wherein the servlet comprises a subset of

the instructions, and the subset of the instructions comprises instructions written in a

platform-independent, object-oriented computer language. (Paragraph 44)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-7 ,14-17, 10,20-21, 25-28, 31 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Deshpande et al. (US Publication 2002/0059458) hereinafter

referred to as Deshpande, in view of Kalra et al. (US Patent 6490627) hereinafter

referred to as Kalra.

Deshpande did not disclose (re. Claim 4,14,25)   wherein determining the

parameter comprises determining a limitation on a media playing capability of the client,

and wherein the processing action comprises modifying the identified elements in

response to the limitation; (re. Claim 5,15,26)   wherein determining the limitation

comprises identifying a network bandwidth, and wherein modifying the identified

elements in response to the limitation comprises altering the elements responsive to the

network bandwidth; (re. Claim 6,16,27)   wherein determining the limitation comprises

determining a resource level provided by the client,   and wherein modifying the

identified elements comprises selecting the identified elements responsive to the

resource level; (re. Claim 7,17,28) wherein applying the processing action comprises

transcoding at least one of the elements of the media file into a desired media format;

(re. Claim 10,20,31)   wherein the elements of the media file comprises a plurality of

media tracks temporally juxtaposed in parallel, and wherein selecting the elements

comprises selecting, one or more of the tracks. (re. Claim 21)   wherein the server

comprises a cluster of servers, arranged so that the HTTP request is handled by one of

the servers in the cluster, and the servlet is run on a different one of the servers in the

cluster.

Kalra disclosed (re. Claim 4,14,25) wherein determining the parameter comprises determining a limitation on a media playing capability of the client (Kalra-Figure 15A,Column 15 Lines 45-55), and wherein the processing action comprises modifying the identified elements in response to the limitation (Kalra- Column 16 Lines 35-40); (re. Claim 5,15,26) wherein determining the limitation comprises identifying a network bandwidth (Kalra- Figure 15B,Column 16 Lines 35-40), and wherein modifying the identified elements in response to the limitation comprises altering the elements responsive to the network bandwidth; (re. Claim 6,16,27) wherein determining the limitation comprises determining a resource level provided by the client (Kalra-Column 15 Lines 60), and wherein modifying the identified elements comprises selecting the identified elements responsive to the resource level (Kalra-Column 16 Lines 67) ; (re. Claim 7,17,28) wherein applying the processing action comprises transcoding (Kalra-Column 19 Lines 50-55) at least one of the elements of the media file into a desired media format; (re. Claim 10,20,31) wherein the elements of the media file comprises a plurality of media tracks temporally juxtaposed in parallel (Kalra- Figure 2B), and wherein selecting the elements comprises selecting, one or more of the tracks (Kalra – Column 16 Lines 15-20); (re. Claim 21) wherein the server comprises a cluster of servers, arranged so that the HTTP request is handled by one of the servers in the cluster, and the servlet is run on a different one of the servers in the cluster. (Kalra-Figures 13,14)

Deshpande and Kalra are analogous art because they present concepts and practices regarding streaming media files. At the time of the invention it would have been obvious to combine Kalra into Deshpande. The motivation for said combination would have been, as Kalra suggests (Kalra- Column 1 Lines 25-30), to provide compact and distortion-free streaming media that is matched to the computational power available.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20020047899 A1 Son, Yong Ho et al. - postprocesses content into a format supported by a particular type of player and access network used to receive the content

US 20010034786 A1 Baumeister, Sascha et al. - Stream Server Portal offers a service called prepareStreaming to applications which returns the streaming meta data necessary to initiate streaming for given media instances

US 7020888 B2 Reynolds; Steven et al. - allows a transmission system to organize and transmit a related set of media and for a display platform to organize and render related media information in a manner that reflects the available media and the capabilities of the platform
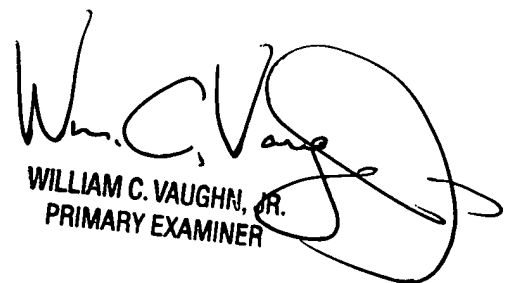
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER